

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re: FAIRFIELD SENTRY LIMITED, et al., Debtor in Foreign Proceedings.	Chapter 15 Case Case No. 10-13164 (CGM) Jointly Administered
FAIRFIELD SENTRY LTD. (IN LIQUIDATION), et al., Plaintiffs, v. THEODOOR GGC AMSTERDAM, et al., Defendants.	Adv. Pro. No. 10-03496 (CGM) Administratively Consolidated
FAIRFIELD SENTRY LTD. (IN LIQUIDATION), et al., Plaintiffs, v. HSBC SECURITIES SERVICES (LUXEMBOURG) S.A., et al., Defendants.	Adv. Pro. No. 10-03630 (CGM)
FAIRFIELD SENTRY LTD. (IN LIQUIDATION), et al., Plaintiffs, v. ABN AMRO SCHWEIZ AG, et al., Defendants.	Adv. Pro. No. 10-03635 (CGM)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

ABN AMRO SCHWEIZ AG, et al.,

Defendants.

Adv. Pro. No. 10-03636 (CGM)

**MOTION TO FILE UNDER SEAL CERTAIN EXHIBITS
TO THE DECLARATION OF DAVID ELSBERG**

Kenneth M. Krys and Greig Mitchell, in their capacities as the duly appointed Liquidators and Foreign Representatives of Fairfield Sentry Limited (In Liquidation), Fairfield Sigma Limited (In Liquidation), and Fairfield Lambda Limited (In Liquidation) in the administratively consolidated adversary proceedings captioned above respectfully move pursuant to Local Bankruptcy Rule 9018-1 (the “Sealing Motion”) for leave to file redacted versions of Exhibits 3 and 4 (“Confidential Exhibits”) to the July 26, 2021 Declaration of David Elsberg in Support of the Liquidators’ Opposition to Defendants’ Motions to Dismiss for Insufficient Service of Process, filed contemporaneously herewith. Proposed redacted versions of the Confidential Exhibits have been filed as Exhibits A and B to the July 26, 2021 Declaration of Yelena Konanova (“Konanova Decl.”). Unredacted versions of those exhibits are being hand delivered to the Clerk’s Office.

The Confidential Exhibits were produced to the Liquidators by Defendants Liechtensteinische Landesbank (sued as Liechtensteinische LB Reinvest AMS) (“LLB”) and LGT Bank in Liechtenstein AG (“LGT Bank” and, collectively with LLB, the “Producing Parties”) respectively, who have proposed certain redactions to remove the names of their employees, consistent with the Producing Parties’ understanding of the EU General Data Protection Regulation (“GDPR”) and Liechtenstein’s Data Protection Act. The Producing Parties have not suggested that the

Confidential Exhibits would lose their confidential treatment at any time during or after the pendency of these actions.

Federal courts addressing the GDPR have granted motions to seal documents containing information requiring GDPR protections on public dockets. *See, e.g., Allianz Glob. Inv'rs GmbH v. Bank of Am. Corp.*, 2021 WL 211544, at *3 (S.D.N.Y. Jan. 21, 2021); *Int'l Swimming League, Ltd. v. Fédération Internationale De Natation*, 2021 WL 2075572, at *7 (N.D. Cal. May 24, 2021). In this case, the names of the Producing Parties' employees have no bearing on the issues before this Court on Defendants' current motions to dismiss for insufficient service of process.

Accordingly, the Liquidators respectfully request the Court grant their Sealing Motion permitting them to leave in place on the docket the redacted versions of the Confidential Exhibits filed today. A proposed order to that effect has been submitted to eOrders, consistent with Chambers' Rules, and has also been attached as **Exhibit C** to the Konanova Declaration for convenience.

Dated: New York, NY
July 26, 2021

Respectfully submitted,

SELENDY & GAY PLLC

By:


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